

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:05CR3039
)	
v.)	
)	
THOMAS E. MILLER,)	JUDGMENT OF COMMITTAL
)	UNDER 18 U.S.C. § 4244(d)
Defendant.)	

The defendant has been found guilty of violating the provisions of 26 U.S.C. § 7206(1), filing a false tax return. A hearing was held on May 8, 2009 to consider the defendant's mental status. At that time, I heard by telephone from counsel for the parties, Mr. Miller and Adeirdre Stribling, Ph.D., staff psychologist, Mental Health Department, Federal Medical Center, Butner, North Carolina.¹ After considering their views, I determined that Mr. Miller was competent at the time he entered his guilty plea in this case, but subsequently became incompetent. He remains incompetent at present and he is unable to proceed to sentencing. In addition, I further determined that the defendant should be committed as provided in 18 U.S.C. § 4244(d) because it is unlikely that his competence will be restored. Therefore,

IT IS ORDERED:

1. By the preponderance of the evidence, the court finds and orders that the defendant is presently suffering from a mental disease or defect and that he should, in lieu of being sentenced to imprisonment, be committed to a suitable facility for care and treatment. The defendant is therefore committed to the custody of the Attorney General for that purpose.

¹That hearing also involved the case numbered 4:05CR3091. A separate memorandum and order will be entered in that matter.

2. The Attorney General shall hospitalize the defendant for care and treatment in a suitable facility. To facilitate the resolution of another case involving the defendant (4:05CR3091) and for other reasons, Mr. Miller shall be kept at the Federal Medical Center at Butner, North Carolina until further order of this court.
3. This commitment constitutes a provisional sentence of imprisonment to the maximum term authorized by law for which the defendant was found guilty and that maximum term is three years. The defendant should be given credit for time served in official detention.
4. Copies of this memorandum and order shall be provided to counsel of record, to Dr. Stribling at the Medical Center, to the United States Marshals Service for delivery to the Bureau of Prisons, to Magistrate Judge Piester and to the United States Probation office for the District of Nebraska.

DATED this 8th day of May, 2009.

BY THE COURT:

s/Richard G. Kopf
United States District Judge